

**BEFORE THE  
SOUTH CAROLINA PUBLIC SERVICE COMMISSION  
DOCKET NO. 2003-326-C**

In RE:

Analysis of Continued Availability of Unbundled     )  
Local Switching for Mass Market Customers         )  
Pursuant to the Federal Communications             )  
Commission's Triennial Review Order                )

**OBJECTIONS OF ACCESS INTEGRATED NETWORKS, INC. TO  
BELLSOUTH'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (1-21)**

Pursuant to the South Carolina Public Service Commission Rules of Practice and Procedure (S.C. Code of Regulations R. 103-800, *et seq.*), and the South Carolina Rules of Civil Procedure, ACCESS Integrated Networks, Inc. ("ACCESS") submits its preliminary objections to BellSouth Telecommunications, Inc.'s ("BellSouth") First Request for Production of Documents to ACCESS.

ACCESS files these objections to comply with the ten (10) day requirement set forth in the Proposed Initial Procedural Order (the "*Proposed Procedural Order*") submitted by BellSouth and CompSouth to the Commission. These objections are preliminary in nature. Should additional grounds for objection be discovered as ACCESS prepares its responses to any discovery, ACCESS reserves the right to supplement these objections.

Further, at the time of the filing of these objections, certain issues to be addressed in this proceeding have not yet been identified. Should additional grounds for objections develop as the Commission identifies the issues to be addressed in this proceeding, ACCESS reserves the right to supplement these objections.

## **GENERAL OBJECTIONS**

ACCESS makes the following general objections to the Requests:

1. ACCESS objects to the “Definitions” section, the “General Instructions,” and the individual request items of BellSouth’s First Requests for Production of Documents to ACCESS to the extent that they are overly broad, unduly burdensome, and/or oppressive. ACCESS will attempt to identify specific requests to which this objection applies within the specific objections that follow.

2. ACCESS objects to the “Definitions,” the “General Instructions,” and the individual request items to the extent they are irrelevant and not likely to lead to the discovery of admissible evidence. By way of illustration and not of limitation, ACCESS objects to requests for documents that are unrelated to or inconsistent with the parameters and methodology for the impairment analysis that the Federal Communications Commission (“FCC”) prescribed in its Triennial Review Order. ACCESS will attempt to identify individual requests to which this general objection is applicable within the specific objections that follow.

3. ACCESS objects to the “Definitions,” the “General Instructions,” and the request items to the extent they are vague, ambiguous, imprecise, or utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these Requests.

4. ACCESS objects to the “General Instructions” and the request items of BellSouth’s First Set of Requests for Production to ACCESS to the extent that they purport to impose discovery obligations on ACCESS that exceed the scope of discovery allowed by the applicable Rule of Practice and Procedure, the South Carolina Rules of Civil Procedure, or the *Proposed Procedural Order*.

5. ACCESS objects to the “General Instructions” section and the individual request items of BellSouth’s First Requests for Production to ACCESS to the extent that the “instructions” purport to seek disclosure of “each,” “every” or “all” documents, materials or information in ACCESS’s possession. ACCESS’s responses will provide all nonprivileged and otherwise discoverable information obtained by ACCESS after a reasonable and diligent search conducted in connection with the Requests. Such search will include a review of only those files that are reasonably expected to contain the requested documents and/or information. To the extent that “instructions” or individual requests require more, ACCESS objects on the grounds that compliance would be unduly burdensome, expensive, oppressive, or excessively time consuming, and unnecessary to accomplish BellSouth’s legitimate discovery needs.

6. ACCESS objects to BellSouth’s First Requests for Production to the extent that the requests seeks discovery of materials and/or information protected by attorney/client privilege, the work product doctrine, the accountant/client privilege, or any other applicable privilege.

7. ACCESS objects to BellSouth’s First Set of Requests for Production to the extent that the requests would require disclosure of trade secrets and/or confidential and proprietary information that either should not be disclosed at all or should be disclosed only subject to the terms of a mutually acceptable confidentiality agreement and the orders and rules of the Commission governing confidentiality.

8. ACCESS objects to all requests which would require the production of materials and/or information which is already in BellSouth’s possession or is in the public record before the Commission. To duplicate information that BellSouth already has or is readily available to BellSouth would be unduly burdensome and oppressive.

9. ACCESS objects to BellSouth's First Request for Production to the extent BellSouth seeks to impose an obligation on ACCESS to respond on behalf of subsidiaries and/or former officers, employees, agents, and directors on the grounds that such requests for production are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

### **SPECIFIC OBJECTIONS TO REQUESTS**

ACCESS hereby incorporates by reference the above general objections. In addition, to the extent possible given the expedited time frame for preliminary objections, ACCESS will identify specific requests that are subject to objection. ACCESS reserves the right to add to or enlarge upon these objections when it files its responses.

**REQUEST NO. 1:** Produce all documents identified in response to BellSouth's First Set of Interrogatories.

**OBJECTION:** As stated in the above General Objections, ACCESS objects to the request for "all documents" on the grounds that such request would be overbroad and unduly burdensome. ACCESS also objects to the extent Request No. 1 seeks confidential and proprietary business information. ACCESS incorporates by reference its Objections to the First Set of Interrogatories.

**REQUEST NO. 2:** Produce every business case in your possession, custody or control that evaluates, discusses, analyzes or otherwise refers or related to the offering of a qualifying service in the State of South Carolina.

**OBJECTION:** ACCESS objects to Request No. 2 on the grounds that it seeks documents that are irrelevant to the issues in this case and are not reasonably calculated to lead to the discovery of admissible evidence, given the FCC's determination in the Triennial Review

Order that the state commissions' impairment analyses are not to be based on individual carriers' business models. ACCESS also objects on the grounds the request seeks the disclosure of confidential and proprietary business information. ACCESS objects to the request for "every" document for the reasons stated in General Objections.

**REQUEST NO. 3:** Produce all documents referring or relating to the average monthly revenues you receive from end users customers in South Carolina to whom you only provide qualifying service.

**OBJECTION:** ACCESS objects to the request on the grounds it seeks documents that, because they relate to aspects of ACCESS' individual business model, are irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. ACCESS also objects to the request for "all documents" on the grounds that such request would be overbroad and unduly burdensome. ACCESS objects on the grounds that the request seeks confidential and proprietary business information

**REQUEST NO. 4:** Produce all documents referring or relating to the average number of access lines you produce to end user customers in South Carolina to whom you only provide qualifying service.

**OBJECTION:** ACCESS objects to the request for "all documents" on the grounds that such request would be overbroad and unduly burdensome. ACCESS also objects on the grounds that the request seeks confidential and proprietary business information.

**REQUEST NO. 8:** Produce all documents referring or relating to the classifications used by ACCESS Integrated to offer service to end user customers in South Carolina (e.g., residential customers, small business customers, mass market customers, enterprise customers, or whatever type of classification that you use to classify your customers).

**OBJECTION:** ACCESS objects to the request for “all documents” on the grounds that the request is overbroad and unduly burdensome. ACCESS will make reasonable efforts to provide documents that establish and describe the classifications used by ACCESS.

**REQUEST NO. 9:** Produce all documents referring or relating to the average acquisition cost for each class or type of end user customer served by ACCESS Integrated, as requested in BellSouth’s First Set of Interrogatories, No. 34.

**OBJECTION:** ACCESS hereby incorporates its objections to Interrogatory No. 34. ACCESS objects on the grounds the request seeks documents that are irrelevant to the issues in this case and is not reasonably calculated to lead to the discovery of admissible evidence, inasmuch as the FCC has ruled in the Triennial Review Order that the impairment analysis is not to be based on individual carriers’ business models. In addition, ACCESS objects to Request No. 9 on the grounds that the request seeks confidential and proprietary business information. ACCESS also objects to the request for “all documents” as overbroad and unduly burdensome.

**REQUEST NO. 10:** Produce all documents referring or relating to the typical churn for each class or type of end user customer served by ACCESS Integrated, as requested in BellSouth’s First Set of Interrogatories, No. 35.

**OBJECTION:** ACCESS hereby incorporates its objections to Interrogatory No. 35. ACCESS objects on the grounds the request seeks documents that, because they relate to aspects of ACCESS' individual business model, are inconsistent with the analysis prescribed in the Triennial Review Order, are irrelevant to the analysis the Commission will conduct in this case, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, ACCESS objects to Request No. 10 on the grounds that the request seeks confidential and proprietary business information. ACCESS also objects to the request for "all documents" as overbroad and unduly burdensome.

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